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Attorney for Defendant  
CURTIS JOHNSON

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO FACILITY

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CURTIS JOHNSON,

Defendant.

No. 12-0628 RS

STIPULATION AND ~~PROPOSED~~ ORDER  
CONTINUING DATE OF SENTENCING  
AND EXCLUDING TIME

STIPULATION

With the agreement of the parties, and with the consent of the defendant, the Court enters this order continuing the date of the sentencing hearing in this case, from July 22, 2014 at 2:30 p.m. to August 26, 2014 at 2:30 p.m., and excludes the period from July 22, 2014 through August 26, 2014 from the otherwise applicable calculation under the Speedy Trial Act.

The parties represent to the Court that counsel have met and conferred for the purposes of necessary preparations for the sentencing hearing. Since our last appearance in this matter, counsel for defendant has been engaged as counsel for one of four defendants in a murder jury trial in San Francisco Superior Court, *People v. Molina*, Case No. 9001301. Closing arguments in that trial

1 concluded on June 12, 2014.

2 In the *Molina* case, the trial was in session Monday through Friday from either 9:00 a.m.  
3 or 9:30 a.m. to approximately 4:30 p.m. Due to this scheduling, counsel for defendant could not  
4 accomodate the probation officer's schedule to attend the presentencing interview of Mr. Johnson  
5 in a timely fashion that would permit the probation officer sufficient time to prepare the report by  
6 the July 22<sup>nd</sup> sentencing date.

7 The failure to grant the requested continuance would unreasonably deny defense counsel the  
8 reasonable time necessary for effective preparation for the sentencing hearing, taking into account  
9 the exercise of due diligence. Defense counsel further represents that the defendant agrees to the  
10 requested exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(B)(iv) to provide  
11 the reasonable time necessary for his counsel's effective preparation for the sentencing hearing,  
12 taking into account the exercise of due diligence.

13 Based on the above, the parties jointly request that the Court finds that the ends of justice  
14 served by excluding from the otherwise applicable Speedy Trial Act calculation the period from July  
15 22, 2014 through and including August 26, 2014 outweigh the best interests of the public and the  
16 defendant in a speedy trial and failure to grant the requested continuance would unreasonably deny  
17 defense counsel the reasonable time necessary for effective preparation for the sentencing hearing,  
18 taking into account, the exercise of due diligence.

19 **IT IS SO STIPULATED.**

20  
21 DATED: 6.19.14

\_\_\_\_\_/s/\_\_\_\_\_  
MICHAEL GAINES  
COUNSEL FOR THE DEFENDANT

22  
23  
24 DATED: 6.19.14

\_\_\_\_\_/s/\_\_\_\_\_  
ANDREW M. SCOBLE  
ASSISTANT U.S. ATTORNEY

~~PROPOSED~~ ORDER EXCLUDING TIME

Based upon the above stipulation, and for good cause, THE COURT FINDS THAT the ends of justice served by granting a continuance from July 22, 2014 through and including August 26, 2014 outweigh the best interests of the public and the defendant in a speedy trial. THE COURT FURTHER FINDS THAT failure to grant the requested continuance would unreasonably deny defense counsel the reasonable time necessary for effective preparation for the sentencing hearing, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

Accordingly, THE COURT ORDERS THAT:

1. The sentencing hearing in this case is continued to August 26, 2014 at 2:30 p.m.
2. The period from July 22, 2014 through and including August 26, 2014 is excluded from the otherwise applicable Speedy Trial Act computation, pursuant to 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

IT IS SO ORDERED.

DATED: 6/23/14

  
HON. RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE